



General Assembly

February Session, 2008

**Amendment**

LCO No. 5842

**\*HB0560105842HDO\***

Offered by:

REP. ROY, 119<sup>th</sup> Dist.

REP. MEGNA, 97<sup>th</sup> Dist.

REP. BYE, 19<sup>th</sup> Dist.

REP. TABORSAK, 109<sup>th</sup> Dist.

REP. URBAN, 43<sup>rd</sup> Dist.

REP. SCHOFIELD, 16<sup>th</sup> Dist.

To: Subst. House Bill No. 5601

File No. 670

Cal. No. 76

**"AN ACT BANNING CHILDREN'S PRODUCTS CONTAINING LEAD,  
PHTHALATES OR BISPHENOL-A."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 21a-335 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2009*):

5 For the purposes of this section, section 2 of this act and sections  
6 21a-336 to 21a-346, inclusive:

7 (a) "Agency" means the Department of Consumer Protection;

8 (b) "Administrator" means the Commissioner of Consumer  
9 Protection or his legally authorized representative or agent;

10 (c) "Person" includes an individual, partnership, corporation,  
11 limited liability company or association, or his or its legal

12 representative or agent;

13 (d) "Commerce" means any and all commerce within the state of  
14 Connecticut and subject to the jurisdiction thereof; and includes the  
15 operation of any business or service establishment;

16 (e) "Hazardous substance" means: (1) (A) Any substance or mixture  
17 of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is  
18 a strong sensitizer, (v) is flammable or combustible, or (vi) generates  
19 pressure through decomposition, heat or other means, if such  
20 substance or mixture of substances may cause substantial personal  
21 injury or substantial illness during or as a proximate result of any  
22 customary or reasonably foreseeable handling or use, including  
23 reasonably foreseeable ingestion by children; (B) any substances which  
24 the administrator by regulation finds meet the requirements of  
25 subparagraph (A) of subdivision (1) [(A)] of this subsection pursuant  
26 to the provisions of subsections (b) and (c) of section 21a-336; (C) any  
27 substance classified as a hazardous substance pursuant to federal  
28 regulations adopted under the authority of the federal Hazardous  
29 Substances Act (15 USC 1261 et seq.); (D) any radioactive substance, if,  
30 with respect to such substance as used in a particular class of article or  
31 as packaged, the administrator determines by regulation that the  
32 substance is sufficiently hazardous to require labeling in accordance  
33 with this section and sections 21a-336 to 21a-346, inclusive, in order to  
34 protect the public health; (E) any toy or other article intended for use  
35 by children which the administrator by regulation determines in  
36 accordance with subsection (a) or (b) of section 21a-336 presents an  
37 electrical, mechanical or thermal hazard; or (F) on and after July 1,  
38 2009, (i) any toy or other article intended for the use by children of less  
39 than twelve years of age, including, but not limited to, children's  
40 clothing, cosmetics or jewelry, that contains Di(2-ethylhexyl) phthalate  
41 (DEHP), dibutylphthalate (DBP), butyl benzyl phthalate (BBP),  
42 Diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) or di-n-  
43 octylphthalate (DnOP) in concentrations exceeding one thousand parts  
44 per million by weight for any component of such toy or article; and (ii)  
45 any baby bottle, spill-proof drinking cup intended for use by children,

46 or infant formula container with a liner that contains bisphenol-A; and  
47 (2) "hazardous substance" shall not apply to economic poisons subject  
48 to the federal Insecticide, Fungicide and Rodenticide Act or chapter  
49 441 nor to foods, drugs and cosmetics subject to chapter 418, nor to  
50 substances intended for use as fuels when stored in containers and  
51 used in the heating, cooking or refrigeration system of a house, but  
52 such term shall apply to any article which is not itself an economic  
53 poison within the meaning of the federal Insecticide, Fungicide and  
54 Rodenticide Act or said chapter 441 but which is a hazardous  
55 substance within the meaning of subdivision (1) of this subsection by  
56 reason of bearing or containing such an economic poison; (3)  
57 "hazardous substance" shall not include any source material, special  
58 nuclear material or by-product material as defined in the Atomic  
59 Energy Act of 1954, as amended, and regulations issued pursuant  
60 thereto by the Atomic Energy Commission;

61 (f) "Toxic" shall apply to any substance, other than a radioactive  
62 substance, which has the capacity to produce personal injury or illness  
63 to man through ingestion, inhalation or absorption through any body  
64 surface;

65 (g) (1) "Highly toxic" means any substance which falls within any of  
66 the following categories: (A) Produces death within fourteen days in  
67 half or more than half of a group of ten or more laboratory white rats  
68 each weighing between two hundred and three hundred grams, at a  
69 single dose of fifty milligrams or less per kilogram of body weight,  
70 when orally administered; or (B) produces death within fourteen days  
71 in half or more than half of a group of ten or more laboratory white  
72 rats each weighing between two hundred and three hundred grams,  
73 when inhaled continuously for a period of one hour or less at an  
74 atmosphere concentration of two hundred parts per million by volume  
75 or less of gas or vapor or two milligrams per liter by volume or less of  
76 mist or dust, provided such concentration is likely to be encountered  
77 by man when the substance is used in any reasonably foreseeable  
78 manner; or (C) produces death within fourteen days in half or more  
79 than half of a group of ten or more rabbits tested in a dosage of two

80 hundred milligrams or less per kilogram of body weight, when  
81 administered by continuous contact with the bare skin for twenty-four  
82 hours or less; (2) if the administrator finds that available data on  
83 human experience with any substance indicate results different from  
84 those obtained on animals in the above-named dosages or  
85 concentrations, the human data shall take precedence;

86 (h) "Corrosive" means any substance which in contact with living  
87 tissue will cause destruction of tissue by chemical action; but shall not  
88 refer to action on inanimate surfaces;

89 (i) "Irritant" means any substance not corrosive within the meaning  
90 of subsection (h) which on immediate, prolonged or repeated contact  
91 with normal living tissue will induce a local inflammatory reaction;

92 (j) "Strong sensitizer" means a substance which will cause on normal  
93 living tissue, through an allergic or photodynamic process, a  
94 hypersensitivity which becomes evident on reapplication of the same  
95 substances and which is designated as such by the administrator.  
96 Before designating any substance as a strong sensitizer, the  
97 administrator, upon consideration of the frequency of occurrence and  
98 severity of the reaction, shall find that the substance has a significant  
99 potential for causing hypersensitivity;

100 (k) "Extremely flammable" shall apply to any substance which has a  
101 flash point at or below twenty degrees Fahrenheit as determined by  
102 the Tagliabue Open Cup Tester, "flammable" shall apply to any  
103 substance which has a flash point of above twenty degrees to and  
104 including eighty degrees Fahrenheit, as determined by the Tagliabue  
105 Open Cup Tester and "combustible" shall apply to any substance  
106 which has a flash point above eighty degrees to and including one  
107 hundred and fifty degrees Fahrenheit, as determined by the Tagliabue  
108 Open Cup Tester, except that the flammability or combustibility of  
109 solids and of the contents of self-pressurized containers shall be  
110 determined by methods found by the administrator to be generally  
111 applicable to such materials or containers, respectively, and

112 established by regulations issued by him, which regulations shall also  
113 define the terms "flammable" and "combustible" and "extremely  
114 flammable" in accord with such methods;

115 (l) "Radioactive substance" means a substance which emits ionizing  
116 radiation;

117 (m) "Label" means a display of written, printed or graphic matter  
118 upon the immediate container of any substance or, in the case of an  
119 article which is unpackaged or is not packaged in an immediate  
120 container intended or suitable for delivery to the ultimate consumer, a  
121 display of such matter directly upon the article involved or upon a tag  
122 or other suitable material affixed thereto, and a requirement made by  
123 or under authority of this section and sections 21a-336 to 21a-346,  
124 inclusive, that any word, statement or other information appear on the  
125 label shall not be considered to be complied with unless such word,  
126 statement or other information also appears (1) on the outside  
127 container or wrapper, if any there be, unless it is easily legible through  
128 the outside container or wrapper and (2) on all accompanying  
129 literature where there are directions for use, written or otherwise;

130 (n) "Immediate container" does not include package liners;

131 (o) "Misbranded hazardous substance" means a hazardous  
132 substance, including a toy, or other article intended for use by  
133 children, which is a hazardous substance, or which bears or contains a  
134 hazardous substance in such manner as to be susceptible of access by a  
135 child to whom such toy or other article is entrusted, intended, or  
136 packaged in a form suitable, for use in the household or by children,  
137 which substance, except as otherwise provided by or pursuant to  
138 section 21a-336, fails to bear a label (1) which states conspicuously (A)  
139 the name and place of business of the manufacturer, packer,  
140 distributor or seller; (B) the common or usual name or the chemical  
141 name, if there is no common or usual name, of the hazardous  
142 substance or of each component which contributes substantially to its  
143 hazard, unless the administrator by regulation permits or requires the

144 use of a recognized generic name; (C) the signal word "danger" on  
145 substances which are extremely flammable, corrosive or highly toxic;  
146 (D) the signal word "warning" or "caution" on all other hazardous  
147 substances; (E) an affirmative statement of the principal hazard or  
148 hazards, such as "Flammable", "Combustible", "Vapor Harmful",  
149 "Causes Burns", "Absorbed Through Skin" or similar wording  
150 descriptive of the hazard; (F) precautionary measures describing the  
151 action to be followed or avoided, except when modified by regulation  
152 of the administrator pursuant to section 21a-336; (G) instruction, when  
153 necessary or appropriate, for first-aid treatment; (H) the word "poison"  
154 for any hazardous substance which is defined as "highly toxic" by  
155 subsection (g); (I) instructions for handling and storage of packages  
156 which require special care in handling or storage; and (J) the statement  
157 (i) "Keep out of the reach of children" or its practical equivalent or, (ii)  
158 if the article is intended for use by children and is not a banned  
159 hazardous substance, adequate directions for the protection of children  
160 from the hazard, and (2) on which any statements required under  
161 subdivision (1) of this subsection are located prominently and are in  
162 the English language in conspicuous and legible type in contrast by  
163 typography, layout or color with other printed matter on the label;

164 (p) "Banned hazardous substance" means (A) any toy, or other  
165 article intended for use by children, which is a hazardous substance, or  
166 which bears or contains a hazardous substance in such manner as to be  
167 susceptible of access by a child to whom such toy or other article is  
168 entrusted; (B) any hazardous substance intended, or packaged in a  
169 form suitable, for use in a household, classified, pursuant to section  
170 21a-336 or pursuant to federal regulations adopted under authority of  
171 the federal Hazardous Substances Act (15 USC 1261 et seq.), as a  
172 "banned hazardous substance" that, notwithstanding such cautionary  
173 labeling as is or may be required under this section and sections 21a-  
174 336 to 21a-346, inclusive, for that substance, the degree or nature of the  
175 hazard involved in the presence or use of such substance in  
176 households is such that the objective of the protection of the public  
177 health and safety can be adequately served only by keeping such

178 substance, when so intended or packaged, out of the channels of  
179 commerce; provided the administrator, by regulations adopted in  
180 accordance with chapter 54, shall exempt from subparagraph (A) of  
181 this subdivision articles, such as chemical sets, which by reason of their  
182 functional purpose require the inclusion of the hazardous substance  
183 involved or necessarily present in electrical, mechanical or thermal  
184 hazard and which bear labeling giving adequate directions and  
185 warnings for safe use and are intended for use by children who have  
186 attained sufficient maturity, and may reasonably be expected, to read  
187 and heed such directions and warnings; (C) any new wood-burning  
188 stove, coal-burning stove, solid fuel add-on units or combination of  
189 such stoves and units, which is offered for sale or installed in any  
190 building, dwelling or structure in this state on or after July 1, 1985, and  
191 which has not been tested in accordance with Underwriter's  
192 Laboratory Standard Number 1482; (D) any new unvented fuel-  
193 burning room heater offered for sale or use in any building, dwelling  
194 or structure in this state on or after July 1, 1985, which has not been  
195 tested in accordance with Underwriter's Laboratory Standard Number  
196 647 for unvented kerosene heaters and American National Standards  
197 Institute Standard Number Z21.11.2 for unvented gas heaters;

198 (q) An article may be determined to present an electrical hazard if,  
199 in normal use or when subjected to reasonably foreseeable damage or  
200 abuse, its design or manufacture may cause personal injury or illness  
201 by electric shock;

202 (r) An article may be determined to present a mechanical hazard if,  
203 in normal use or when subjected to reasonably foreseeable damage or  
204 abuse, its design or manufacture presents an unreasonable risk of  
205 personal injury or illness (1) from fracture, fragmentation or  
206 disassembly of the article, (2) from propulsion of the article, or any  
207 part or accessory thereof, (3) from points or other protrusions, surfaces,  
208 edges, openings or closures, (4) from moving parts, (5) from lack or  
209 insufficiency of controls to reduce or stop motion, (6) as a result of self-  
210 adhering characteristics of the article, (7) because the article, or any  
211 part or accessory thereof, may be aspirated or ingested, (8) because of

212 instability, or (9) because of any other aspect of the article's design or  
213 manufacture;

214 (s) An article may be determined to present a thermal hazard if, in  
215 normal use or when subjected to reasonably foreseeable damage or  
216 abuse, its design or manufacture presents an unreasonable risk of  
217 personal injury or illness because of heat as from heated parts,  
218 substances or surfaces;

219 (t) "Drying oil" means linseed oil, tung oil, perilla oil or other oils  
220 which are found to contain a substantial proportion of fatty acids with  
221 three double molecular bonds;

222 (u) "Drying oil product" means a wood treatment or wood finish  
223 product containing a drying oil.

224 Sec. 2. (NEW) (*Effective July 1, 2009*) The administrator shall, within  
225 available resources, enforce the provisions of subparagraph (F) of  
226 subdivision (1) of subsection (e) of section 21a-335 of the general  
227 statutes, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	21a-335
Sec. 2	<i>July 1, 2009</i>	New section